

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF THE APPLICATION FOR CHANGE)
FILED BY WELLS & WADE FRUIT COMPANY)
REQUESTING TO CHANGE THE PLACE OF USE AND) Emergency Drought
POINTS OF WITHDRAWAL AND DIVERSION OF A) Change Authorizations
PORTION OF THE WATER USE UNDER SUPERSEDING)
GROUND WATER CERTIFICATE GWC-3966)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

On April 17, 2001 Wells & Wade Fruit Company filed a drought emergency change application requesting to change the point of withdrawal/diversion and the place of use of a portion their existing non-interruptible water rights to property owned by Sunshine Agriculture, Inc. identified as the Hilltop West orchard that is irrigated with water rights from wells that are subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

Superseding Ground Water Certificate GWC-3966

Superseding GWC-3966 authorized withdrawal/diversion of 4.66 cubic feet per second (cfs) the equivalent 2,090 gallons per minute (gpm) and a total annual amount of 1,084 acre-feet per year for irrigation, industrial supply, and community domestic supply. Of the total annual amount 1,040 acre-feet per year is authorized for irrigation of 260 acres.

The point of diversion from the Columbia River is located within SW¼ SW¼ of Section 6, T. 28 N., R. 24 E. W. M. and the 4 wells are all located within the SE¼ NW¼ of Section 7, T. 28 N., R. 24 E. W. M. Superseding GWC-3966 included the following provisions:

"The well located 2400 feet S and 1500 feet E of the NW corner of Section 7 shall be used for domestic and industrial supply only. The other three (3) wells located in the SE¼ NW¼ of Section 7 shall be a backup irrigation supply to the diversion from the Columbia River and will be only used when water is not available from the river.

The superseding certificate issued as a result of a partial relinquishment of the certificate and an application for change to add a point of withdrawal/diversion which was approved subject to the following provisions:

The surface water diversion shall be subject to Chapter 173-563 WAC, the Columbia River Instream Resources Protection Program..."

Five (5) numbered water sources are identified under superseding GWC-3966. Source # 1 is the interruptible diversion from the Columbia River; source # 2 is the domestic and industrial supply well; and sources # 3, # 4 and # 5 are the backup irrigation wells.

Wells & Wade Fruit Company filed this drought emergency change application to change the point of withdrawal/diversion and place of use of a portion of the waters authorized for irrigation under superseding GWC-3966. Irrigation of 69 of the authorized 260 acres will not occur on the authorized place of use in Chelan County this year. It is this 69 acres that is proposed be transferred approximately 8 miles up river to the Sunshine Agriculture, Inc. Hilltop West property in Okanogan County.

The place of use for the 260 acres authorized under superseding GWC-3966 is the E½ of Section 12 and Government Lot 9 of Section 13, both in T. 28 N., R. 23 E. W. M.; and the W½ of Section 7, the south 104 feet of the SW¼ of Section 6, and Government Lot 6 of Section 18, all within T. 28 N., R. 24 E. W. M.

The water duty authorized under superseding GWC-3966 is 9 gpm and 4 acre-feet per acre irrigated. Only 60 acres of the 69 acres proposed for transfer will be approved as nine acres are in excess of the needs of the new place of use. For the 60 acres to be transferred this amounts to a maximum of 482 gpm and 240 acre-feet per year. This leaves 3.58 cfs (1,608 gpm) and 800 acre-feet per year that can continue to be diverted under superseding GWC-3966 for irrigation of the remaining 200 acres.

The Sunshine Agriculture, Inc. (Hill Top West) Property

The Sunshine Agriculture, Inc. Hilltop West orchard property is located within the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25; the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35; and the N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36; all being within T. 30 N., R. 23 E. W. M., in Okanogan County. One water right permit authorizing 160 acres of irrigation is appurtenant to this property. Ground water permit G4-29877P authorizes withdrawal of 1,400 gpm, 640 acre-feet per year for irrigation of 160 acres and 24.7 acre-feet per year for frost protection. The irrigation water duty is 9 gpm (0.02 cfs) and 4 acre-feet per acre irrigated.

The withdrawal authorized under permit G4-29877P is subject to interruption in accordance with the provisions of Columbia River Instream Resources Protection Program, WAC 173-563. The authorized water sources are 4 wells. Wells 1 through 3 are the primary water supply for irrigation. All 4 wells are located with the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, T. 30 N., R. 23 E. W. M.

Wells 1 through 3 were constructed in a row approximately 30 feet apart and lie between State Highway 97 and the Columbia River. Well 4 is located north of Highway 97 and is only used when a small quantity of water is needed. The 3 wells that are the primary irrigation water supply are 10 inches in diameter varying from 65 feet to 68 feet in depth with static water levels of from 16 to 17 feet below the top of each well. Well 4 is reported to be 110 feet in depth.

According to the report of examination prepared for permit G4-29877P, all 4 wells penetrate alluvial materials deposited along the Columbia River. The wells utilize an unconfined aquifer that is recharged primarily by the nearby Columbia River. Static water levels in all the wells are the same and are at river level. All 4 wells are clearly in significant hydraulic continuity with the Columbia River.

Non-interruptible water supply is being sought for the 160 acre Hilltop West orchard. This drought emergency change application will transfer only 60 acres of non-interruptible water supply from the three (3) well authorized for irrigation under superseding GWC-3966. Another drought emergency change application filed by Beebe Orchard Company will transfer 100 acres authorized under SWC 1052 as changed under certificate of change Vol. 2, Page 662 to cover the remainder of the Hilltop West orchard.

Conclusions and Decision

This transfer will ensure that 60 acres of the 160 acres of orchard irrigated by Sunshine Agriculture, Inc. will not be interrupted during the 2001 irrigation season. Any impacts that could be attributed to this upstream transfer have been offset by other downstream transfers already authorized this year. Authorizing this change of water rights from the three irrigation wells authorized under superseding GWC-3966 will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 60 acres of irrigation under superseding GWC-3966 to property described as follows:

The W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, AND the portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of Watson's Draw Road, Section 25;

NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35;

The N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, EXCEPT the following:

Beginning at the southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence north 89°52' west 890 feet; thence north 11°23' east 250 feet; thence north 43°40' east 600 feet; thence south 80°16' east 345 feet; thence north 56°21' east 106 feet; thence south 0°30' west 695.06 feet to the point of beginning.

ALSO EXCEPTING, part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows: Beginning at the southeast corner of said subdivision running thence north 0°30' east 669.6 feet to the true point of beginning; thence south 56°21' west 108.0 feet; thence north 80°16' west 345.0 feet; thence northeasterly to the north quarter corner of Section 36; thence southerly along the east boundary of said subdivision to the true point of beginning.

That part of the SW¼ NW¼ of Section 36, described as follows:

Beginning at the southwest corner of said SW¼ NW¼; thence south 89°52' east along the subdivision line 389 feet; thence north 80°42' east 322.3 feet; thence north 52°05' east 431.2 feet; thence north 74°09' east 256 feet; thence north 47°02' east 200 feet; thence north 57°10' east to the easterly boundary line of said SW¼ NW¼; thence northerly along said east boundary line to the northeast corner thereof; thence in a westerly direction along the northerly boundary line to the northwest corner thereof; thence in a southerly direction along the westerly boundary line to the point of beginning; EXCEPTING THEREFROM, the following described tract:

Beginning at a point in the SW¼ NW¼ of Section 36, from which the northeast corner of Block C, Hansen's Addition to the town of Pateros, Washington, bears south 24°00' east 115.6 feet; thence north 43°44' west 109.8 feet; thence north 46°16' east 275 feet parallel to transmission line; thence south 43°44' east 153.3 feet; thence south 47°56' west 130 feet parallel to road and distance 16 feet northwesterly from the center line thereof; thence south 61°48' west 150 feet on said 16 foot parallel line to the place of beginning.

ALL in T. 30 N., R. 23 E. W. M.

The points of withdrawal shall be the four (4) existing wells located within the W½ NE¼ of Section 36, T. 30 N., R. 23 E. W. M.

A maximum of 482 gpm and 240 acre-feet is authorized for use on the property to irrigate 60 acres of the 160 acres of the Hilltop West orchard.

The following provisions shall apply to this change authorization:

Measuring devices approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

A map identifying the specific 60 acres that will not be irrigated this year under superseding GWC-3966 shall be submitted to Ecology's Central Regional Office within 15 days of the date of receipt of this drought emergency change authorization.

The surface water diversion authorized under GWC-3966 shall be regulated under the terms of the superseding certificate. The wells may be used when the surface water diversion is regulated.

This drought emergency authorization expires on October 31, 2001.

REPORT BY:

Phil Crane for SB
Samuel W. (Sam) Bailey

DATE:

5/14/2001

APPROVED BY:

[Signature]
Robert F. Barwin, Section Manager

DATE:

5/15/2001

SWB:gg
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Enclosure(s):